

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

RONALD DAVIS,

Plaintiff,

Case. No. 17-14115

v.

Honorable Thomas L. Ludington  
Magistrate Judge Patricia T. Morris

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT & RECOMMENDATION, GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT, AND AFFIRMING THE DECISION OF THE  
COMMISSIONER**

Plaintiff filed his present application for Disability Insurance Benefits on December 29, 2014, alleging that his disability began August 26, 2014. (R. 8, PageID.148.) The Commissioner denied the claim. (R. 8, PageID.88-93.) Plaintiff then requested a hearing before an Administrative Law Judge (ALJ), (R. 8, PageID.99), which occurred on June 22, 2016. (R. 8, PageID.57-86.) The ALJ issued a decision on September 9, 2016, finding Plaintiff not disabled during the relevant period. (R. 8, PageID.43-53.) On October 16, 2017, the Appeals Council denied review, (R. 8, PageID.24-26), and Plaintiff filed for judicial review on December 20, 2017. (R. 1). He moved for summary judgment on June 4, 2018, (R. 14), and the Commissioner countered with its own Motion three months later, (R. 17).

The matter was referred to Magistrate Judge Patricia T. Morris. (R. 3). On January 29, 2019, Judge Morris issued a report, recommending that Plaintiff's motion for summary judgment be denied, that Defendant's motion for summary judgment be granted, and that the decision of the Commissioner be affirmed. (R. 18).

Although the magistrate judge's report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party has filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, R. 18, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, R. 14, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, R. 17, is **GRANTED**

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: March 4, 2019